

HB4979



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4979

Introduced 1/21/2010, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Makes a technical change in a Section concerning penalties for the unlawful possession of a controlled substance.

LRB096 19341 RLC 34732 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this Act, it is
8 unlawful for any person knowingly to possess ~~possess~~ a
9 controlled or counterfeit substance or controlled substance
10 analog. A violation of this Act with respect to each of the
11 controlled substances listed herein constitutes a single and
12 separate violation of this Act. For purposes of this Section,
13 "controlled substance analog" or "analog" means a substance
14 which is intended for human consumption, other than a
15 controlled substance, that has a chemical structure
16 substantially similar to that of a controlled substance in
17 Schedule I or II, or that was specifically designed to produce
18 an effect substantially similar to that of a controlled
19 substance in Schedule I or II. Examples of chemical classes in
20 which controlled substance analogs are found include, but are
21 not limited to, the following: phenethylamines, N-substituted
22 piperidines, morphinans, ecgonines, quinazolinones,
23 substituted indoles, and arylcycloalkylamines. For purposes of

1 this Act, a controlled substance analog shall be treated in the
2 same manner as the controlled substance to which it is
3 substantially similar.

4 (a) Any person who violates this Section with respect to
5 the following controlled or counterfeit substances and
6 amounts, notwithstanding any of the provisions of subsections
7 (c) and (d) to the contrary, is guilty of a Class 1 felony and
8 shall, if sentenced to a term of imprisonment, be sentenced as
9 provided in this subsection (a) and fined as provided in
10 subsection (b):

11 (1) (A) not less than 4 years and not more than 15
12 years with respect to 15 grams or more but less than
13 100 grams of a substance containing heroin;

14 (B) not less than 6 years and not more than 30
15 years with respect to 100 grams or more but less than
16 400 grams of a substance containing heroin;

17 (C) not less than 8 years and not more than 40
18 years with respect to 400 grams or more but less than
19 900 grams of any substance containing heroin;

20 (D) not less than 10 years and not more than 50
21 years with respect to 900 grams or more of any
22 substance containing heroin;

23 (2) (A) not less than 4 years and not more than 15
24 years with respect to 15 grams or more but less than
25 100 grams of any substance containing cocaine;

26 (B) not less than 6 years and not more than 30

1 years with respect to 100 grams or more but less than
2 400 grams of any substance containing cocaine;

3 (C) not less than 8 years and not more than 40
4 years with respect to 400 grams or more but less than
5 900 grams of any substance containing cocaine;

6 (D) not less than 10 years and not more than 50
7 years with respect to 900 grams or more of any
8 substance containing cocaine;

9 (3) (A) not less than 4 years and not more than 15
10 years with respect to 15 grams or more but less than
11 100 grams of any substance containing morphine;

12 (B) not less than 6 years and not more than 30
13 years with respect to 100 grams or more but less than
14 400 grams of any substance containing morphine;

15 (C) not less than 6 years and not more than 40
16 years with respect to 400 grams or more but less than
17 900 grams of any substance containing morphine;

18 (D) not less than 10 years and not more than 50
19 years with respect to 900 grams or more of any
20 substance containing morphine;

21 (4) 200 grams or more of any substance containing
22 peyote;

23 (5) 200 grams or more of any substance containing a
24 derivative of barbituric acid or any of the salts of a
25 derivative of barbituric acid;

26 (6) 200 grams or more of any substance containing

1 amphetamine or any salt of an optical isomer of
2 amphetamine;

3 (6.5) (blank);

4 (7) (A) not less than 4 years and not more than 15
5 years with respect to: (i) 15 grams or more but less
6 than 100 grams of any substance containing lysergic
7 acid diethylamide (LSD), or an analog thereof, or (ii)
8 15 or more objects or 15 or more segregated parts of an
9 object or objects but less than 200 objects or 200
10 segregated parts of an object or objects containing in
11 them or having upon them any amount of any substance
12 containing lysergic acid diethylamide (LSD), or an
13 analog thereof;

14 (B) not less than 6 years and not more than 30
15 years with respect to: (i) 100 grams or more but less
16 than 400 grams of any substance containing lysergic
17 acid diethylamide (LSD), or an analog thereof, or (ii)
18 200 or more objects or 200 or more segregated parts of
19 an object or objects but less than 600 objects or less
20 than 600 segregated parts of an object or objects
21 containing in them or having upon them any amount of
22 any substance containing lysergic acid diethylamide
23 (LSD), or an analog thereof;

24 (C) not less than 8 years and not more than 40
25 years with respect to: (i) 400 grams or more but less
26 than 900 grams of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof, or (ii)
2 600 or more objects or 600 or more segregated parts of
3 an object or objects but less than 1500 objects or 1500
4 segregated parts of an object or objects containing in
5 them or having upon them any amount of any substance
6 containing lysergic acid diethylamide (LSD), or an
7 analog thereof;

8 (D) not less than 10 years and not more than 50
9 years with respect to: (i) 900 grams or more of any
10 substance containing lysergic acid diethylamide (LSD),
11 or an analog thereof, or (ii) 1500 or more objects or
12 1500 or more segregated parts of an object or objects
13 containing in them or having upon them any amount of a
14 substance containing lysergic acid diethylamide (LSD),
15 or an analog thereof;

16 (7.5) (A) not less than 4 years and not more than 15
17 years with respect to: (i) 15 grams or more but less
18 than 100 grams of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof, or
22 (ii) 15 or more pills, tablets, caplets, capsules, or
23 objects but less than 200 pills, tablets, caplets,
24 capsules, or objects containing in them or having upon
25 them any amount of any substance listed in paragraph
26 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

3 (B) not less than 6 years and not more than 30
4 years with respect to: (i) 100 grams or more but less
5 than 400 grams of any substance listed in paragraph
6 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
7 (20.1), (21), (25), or (26) of subsection (d) of
8 Section 204, or an analog or derivative thereof, or
9 (ii) 200 or more pills, tablets, caplets, capsules, or
10 objects but less than 600 pills, tablets, caplets,
11 capsules, or objects containing in them or having upon
12 them any amount of any substance listed in paragraph
13 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
14 (20.1), (21), (25), or (26) of subsection (d) of
15 Section 204, or an analog or derivative thereof;

16 (C) not less than 8 years and not more than 40
17 years with respect to: (i) 400 grams or more but less
18 than 900 grams of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
20 (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof, or
22 (ii) 600 or more pills, tablets, caplets, capsules, or
23 objects but less than 1,500 pills, tablets, caplets,
24 capsules, or objects containing in them or having upon
25 them any amount of any substance listed in paragraph
26 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

3 (D) not less than 10 years and not more than 50
4 years with respect to: (i) 900 grams or more of any
5 substance listed in paragraph (1), (2), (2.1), (2.2),
6 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or
8 derivative thereof, or (ii) 1,500 or more pills,
9 tablets, caplets, capsules, or objects containing in
10 them or having upon them any amount of a substance
11 listed in paragraph (1), (2), (2.1), (2.2), (3),
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of
13 subsection (d) of Section 204, or an analog or
14 derivative thereof;

15 (8) 30 grams or more of any substance containing
16 pentazocine or any of the salts, isomers and salts of
17 isomers of pentazocine, or an analog thereof;

18 (9) 30 grams or more of any substance containing
19 methaqualone or any of the salts, isomers and salts of
20 isomers of methaqualone;

21 (10) 30 grams or more of any substance containing
22 phencyclidine or any of the salts, isomers and salts of
23 isomers of phencyclidine (PCP);

24 (10.5) 30 grams or more of any substance containing
25 ketamine or any of the salts, isomers and salts of isomers
26 of ketamine;

1 (11) 200 grams or more of any substance containing any
2 substance classified as a narcotic drug in Schedules I or
3 II, or an analog thereof, which is not otherwise included
4 in this subsection.

5 (b) Any person sentenced with respect to violations of
6 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
7 involving 100 grams or more of the controlled substance named
8 therein, may in addition to the penalties provided therein, be
9 fined an amount not to exceed \$200,000 or the full street value
10 of the controlled or counterfeit substances, whichever is
11 greater. The term "street value" shall have the meaning
12 ascribed in Section 110-5 of the Code of Criminal Procedure of
13 1963. Any person sentenced with respect to any other provision
14 of subsection (a), may in addition to the penalties provided
15 therein, be fined an amount not to exceed \$200,000.

16 (c) Any person who violates this Section with regard to an
17 amount of a controlled substance other than methamphetamine or
18 counterfeit substance not set forth in subsection (a) or (d) is
19 guilty of a Class 4 felony. The fine for a violation punishable
20 under this subsection (c) shall not be more than \$25,000.

21 (d) Any person who violates this Section with regard to any
22 amount of anabolic steroid is guilty of a Class C misdemeanor
23 for the first offense and a Class B misdemeanor for a
24 subsequent offense committed within 2 years of a prior
25 conviction.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-347, eff. 1-1-10.)